

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BROOKSTONE COMPANY, INC.,

Plaintiff,

v.

DISCOVERY COMMUNICATIONS, INC.,
and DISCOVERY CHANNEL STORE, INC.

Defendant.

Civil Action No. 04 CV 11072 GAO

STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), Plaintiff Brookstone Company, Inc. and defendants Discovery Communications, Inc. and Discovery Channel Store, Inc. hereby stipulate and agree that the above-entitled action is dismissed without prejudice and without costs.

Respectfully submitted,

BROOKSTONE COMPANY, INC.
By its attorneys,

Respectfully submitted,

DISCOVERY COMMUNICATIONS,
INC. and DISCOVERY CHANNEL
STORE, INC.
By their attorneys,

/s/ Jonathan D. Cohen
Jonathan D. Cohen, BBO No. 600081
GREENBERG TRAURIG, LLP
One International Place
Boston, MA 02110
Phone: (617) 310-6000
Fax: (617) 310-6001

/s/ Bruce E. Falby
Bruce E. Falby BBO No. 544143
PIPER RUDNICK LLP
One International Place
Boston, MA 02110
Phone: (617) 406-6000
Fax: (617) 406-6100

Dated: October 15, 2004

CERTIFICATE OF SERVICE

I, Jonathan D. Cohen, hereby certify that I caused a copy of the within Stipulation of Dismissal to be served upon the attorney(s) of record for each other party by hand on October 15, 2004.

/s/ Jonathan D. Cohen
Jonathan D. Cohen